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25/11/99

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE M. B. VISHWANATH

CIVIL REVISION PETITION NO. 275/1998

Smt. Shailaja w/o Vasant Kadamb,  
Age: Major, Occ: Agriculture & Household Works,  
R/o. H. No. 4448, Chavat Galli,  
Belgaum. ....PETITIONER

(By Sri. V. R. Datar, Adv. for petr.)

- VS -

1. Sri. Mallappa s/o Yallappa Desai.
2. Laxmibai w/o Parashram Rajabache.  
Both majors, Occ: Agriculture, R/o  
Both Resident of Benkanahalli village,  
Taluk & District: Belgaum. ....RESPONDENTS

(By Sri. M. B. Naragund, Adv. for R-1)

\* \* \* \*

Civil Revision Petition is filed U/s 115  
of CPC against the order dtd. 13.1.1998 passed in  
O.S. No. 833/1997 on the file of the Ist Addl. Civil  
Judge (Jr. Dn.) Belgaum.

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This Civil Revision Petition coming on for  
ADMISSION this day, the court made the following:-

O R D E R

Heard both Counsel.

The petitioner-plaintiff has challenged the order dated 17.1.1998 passed on I.A.No.4 under order 41 Rule 5(2) r/w Section 151 of the C.P.C. setting aside the earlier order granting temporary injunction. I.A.No.4 u/o 41 R.(5 (2) CPC was filed by the defendants.

The order in question has been passed on 17.1.1998. The learned judge granted stay for 15 days, till 2.2.1998. This date is already over. Consequently the revision petition has become infructuous.

The learned Counsel for the petitioner submits that the learned judge could not have passed the stay order on an application under Order 41 Rule 5 C.P.C. staying his own order on I.A.No.1. It is not necessary to pronounce on this point since,

- 3 -

as I have already stated, the revision petition has become infructuous.

The revision petition is disposed of as stated herein.

Sd/-  
JUDGE

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C. BY: X S

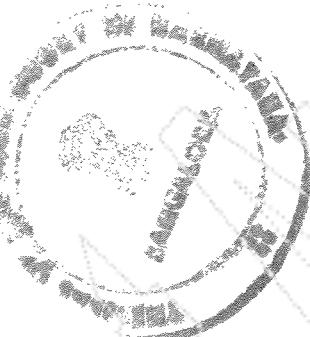
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Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

3/7/98



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